

REMARKS

This Amendment is responsive to the Office Action mailed May 30, 2007. Claim(s) 1, 2, 7-9, 20, 22, 25, 28-35 and 37-39 are now pending in this Application. Claims 1, 20 and 25 are independent claims and the remaining claims are dependent claims.

In this Amendment, claim(s) 1, 20, 25 and 39 have been amended. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Office Action rejects claims 1,2, 7-9, 20, 22, 25, 28-35 and 37-39 under 35 U.S.C. §103(a) as being obvious over Abboud (U.S. Pub. No. 2002/0184484) in view of Steitle (U.S. Pub. No. 2002/0188700). Specifically, the Office Action suggests that Applicant's previous response does not sufficiently distinguish a gateway or firewall node from among the recited first and second server.

Abboud '484 is concerned with reprovisioning a single server for a different purpose. As reflected in the Office Action, Abboud '484 does not show, teach, or disclose a design encompassing multiple nodes with different deployment (configuration) needs, such as the claimed first and second server. Abboud does not show, teach, or disclose deployment of multiple dissimilar servers from a single design- each Abboud deployment is a discrete action independent of deployment of other devices [0032]. By way of further clarification, the Office Action asserts that claim 1 does not sufficiently clarify that the first server may be a gateway node that operates as the first level node in the network, having successive nodes deeper in the network with which it connects. Claim 1 has been herein amended to recite that the gateway, or first server is a gateway server layered in a network location such that the gateway server is first to receive incoming packets, as disclosed at paragraph [0016], and further clarifies that the second server may be an application server(specification, [0019]) by reciting that the second server [has] a different server type than the first server and [is]operable

to support dissimilar operations, to distinguish the invention of claim 1 over the combination of Abboud '484 and Steitle '700. Claims 20 and 25 have been similarly amended.

The Office Action further rejects Claim 1 in view of Steitle '700. The Office Action suggests that Steitle teaches the claimed design list. In Steitle '700, however, the output is a bitmap indicative of the configuration, as described at [0018]. The bitmaps represent specifications for the network [0020]. In contrast, the invention of claim 1 deploys digital images operable to be executed by a processor on the respective computer [0026]. The Steitle '700 disclosure, therefore, consists merely of a specification including components and connections between the components [0021]. Nowhere in Steitle, alone or in combination, is there a showing, teaching or disclosure of deploying an executable image based on the generated design, nor of dynamically updating the design, as recited in claims 1 and 9 respectively. Applicant respectfully disagrees with the assertion that Steitle is in the same field of endeavor because Steitle produces an informative specification, and does not actually deploy digital images, as recited in Claim 1.

Claim 39 has been rejected under 35 U.S.C. §112 for indefiniteness. Claim 39 been amended to clarify that the concurrent deployment refers to deploying the digital image at substantially the same time, as disclosed in the specification at paragraph [0026].

Claim 20 has been rejected under 35 U.S.C. §101 as being nonstatutory. Accordingly, claim 20 has been amended to recite having a computer readable storage medium encoded with a set of instructions that, when executed by a processor in the computer, cause the computer to perform a method. It is therefore respectfully requested that the rejection under 35 U.S.C. §101 be withdrawn.

The above remarks and amendments therefore distinguish the amended claims over the cited art of record. As the remaining claims depend, either directly or indirectly, from claims 1, 20 and 25, it is respectfully submitted that all claims are now in condition for allowance.

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Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/CJL/

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New Attorney Docket No.: SUN07-01(P6337)

Old Attorney Docket No.: 082225P6337

Dated: October 30, 2007